

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AUBREY CLARK AND WIFE,	§	CIVIL ACTION NO. 2:07-cv-191
KELLY CLARK	§	(Judge John T. Ward)
	§	
VS.	§	
	§	
KELLOGG BROWN & ROOT, LLC,	§	
BROWN & ROOT, INC n/k/a KELLOGG	§	
BROWN & ROOT, LLC, KBR, INC.	§	
d/b/a KELLOGG BROWN & ROOT	§	Pursuant to Rule 9(h) of
(KBR), INC. and HALLIBURTON	§	the Federal Rules of
COMPANY	§	Civil Procedure – ADMIRALTY

PLAINTIFFS' INITIAL DISCLOSURE

COMES NOW PLAINTIFFS, AUBREY CLARK AND WIFE, KELLY CLARK,
by and through their attorneys of record and pursuant to the requirements of the Federal
Rules of Civil Procedure, disclose the following information required:

(A) The name and, if known, the address and telephone number of each
individual likely to have discoverable information that the disclosing party may use to
support its claims or defenses, unless solely for impeachment, identifying the subjects of
the information;

Response: See Plaintiffs' Fact and Expert Witness Lists.

(B) a copy of, or a description by category and location of, all documents, data
compilations, and tangible things that are in the possession, custody, or control of the
party and that the disclosing party may use to support its claims or defenses, unless solely
for impeachment;

Response:

1. Please see Plaintiffs' Benzene Exhibit List attached;

2. All documents produced by the parties through discovery in this cause of action;
3. Medical and patient account records which have been made available through medical authorization;
4. Depositions, with exhibits, of fact and expert witnesses which have or will be taken in this cause of action;
5. Payroll, personnel, social security and income tax records which have been made available through authorizations.

Plaintiffs will supplement these disclosures in accordance with the Federal Rules of Civil Procedure.

(C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the document or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and

Response: Plaintiffs are entitled to recover from the following damages:

Plaintiffs assert claims for damages including: 1) physical pain and suffering in the past; 2) physical pain and suffering the Plaintiff will experience in the future; 3) mental anguish suffered in the past; 4) mental anguish the Plaintiff will experience in the future; 5) medical expenses incurred in the past; 6) medical expenses the Plaintiff will incur in the future; 7) physical impairment suffered in the past; 8) physical impairment the Plaintiff will have in the future; 8) loss of earnings and/or earning capacity; 9) loss of household services; 10) prejudgment interest.

The medical expenses are available through patient account records which have been made available through a medical authorization. Lost wages and loss of earning capacity will be calculated through income tax records, payroll and/or social security records which have been made available through an authorization.

Additionally, Plaintiffs have previously provided the expert report of Dr. Ken McCain. As of March 27, 2007, the medical bills associated with Aubrey Clark's AML were approximately \$1,453,610.90. Plaintiffs will supplement as additional records become available. Plaintiffs would also refer Defendants to Dr. Gardner's deposition concerning medical expenses.

Many of these damage elements include intangible losses, the amount of which Plaintiffs would defer to the Court's judgement.

(D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response: Unknown to Plaintiffs.

Respectfully submitted,

PROVOST & UMPHREY LAW FIRM, L.L.P.
490 Park Street
P. O. Box 4905
Beaumont, Texas 77701
(409) 835-6000 phone
(409) 838-8888 fax

By: 

J. Keith Hyde
State Bar No. 10370250
Zona Jones
State Bar No. 10887600

&

Ernest Cannon
State Bar No. 03746000
505 N. Graham
Stephenville, Texas 76401
(254) 918-1006 phone
(254) 918-2005 fax

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument was provided to all counsel in accordance with the Texas Rules of Civil Procedure on this the 23rd day of October, 2007.



ZONA JONES